

U.S. Patent Application No. 10/700,705
Reply to Office Action dated October 19, 2004

Docket No. 1625-157-1

REMARKS

These remarks are in response to the Office Action dated October 19, 2004. This response is timely filed.

At the time of the Office Action, claims 1-3 were pending. In the Office Action, claims 1-3 were rejected under the judicially created doctrine of obviousness-type double patenting. The rejections are set out in more detail below.

This response is concurrently filed with an Information Disclosure Statement enclosing additional references cited in an Office Action recently issued on a corresponding Japanese patent application. Applicant respectfully submits that the pending claims are patentable over these references.

I. Double Patenting Rejections

Claims 1-3 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 of U.S. Patent No. 6,725,907. Applicant notes that both the present patent application and U.S. Patent No. 6,725,907 are commonly owned by Twinbird Corporation. Applicant has provided an executed terminal disclaimer to expedite prosecution of the application. Accordingly, in connection with claims 1-3, a terminal disclaimer in accordance with 37 CFR §1.321(c) is enclosed to overcome the double patenting rejections. Withdrawal of the rejections are respectfully requested. Applicant respectfully submits that the pending claims are patentable over these references.

II. Fees

Please charge Deposit Account No. 50-0951 in the amount of \$65 for the terminal disclaimer fee. Please also charge any deficiencies, or credit any overpayments, to Deposit Account No. 50-0951.

U.S. Patent Application No. 10/700,705
Reply to Office Action dated October 19, 2004

Docket No. 1625-157-1

III. Conclusion

Applicants have made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. Nevertheless, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicant respectfully requests reconsideration and prompt allowance of the pending claims.

Date: 1-19-05

Respectfully submitted,



J. Rodman Steele, Jr.
Registration No. 25,931
Mark D. Passler
Registration No. 40,764
AKERMAN SENTERFITT
Post Office Box 3188
West Palm Beach, FL 33402-3188
Telephone: (561) 653-5000

Docket No. 1625-157-1